

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Corporate Leader - Growth and Sustainability



To: Mayor and Members of Council

From: Tammie Ryall, Corporate Leader – Growth and Sustainability

Date: April 10, 2025

Subject: Heritage Planning – Stoney Point Church (7119 Tecumseh Road)

Recommendation

Direct Administration to publish notice of the intent to repeal the by-law designating the property at 7119 Tecumseh Road in accordance with the requirements of the Ontario Heritage Act, as presented at the May 6, 2025 Council meeting.

Strategic Objectives

This report does not relate to a Strategic Objective.

Background

WSP was retained by the Municipality of Lakeshore Administration to prepare a Cultural Heritage Memorandum for the Stoney Point Church (Church of the Annunciation) located at 7119 Tecumseh Road (the Subject Property). The subject property is currently under private ownership and is designated under Part IV of the *Ontario Heritage Act* by By-law 84-2007.

The subject property owner previously applied for a demolition permit in 2020 which was granted but expired. The owner applied again in 2022 and included a Heritage Impact Assessment with an inventory of salvageable materials. Engineering assessments confirmed that the structure was beyond feasible repair. A peer review of the Heritage Impact Assessment identified heritage attributes to be salvaged as a condition for the demolition request. The demolition request was approved without including conditions for the conservation of the heritage attributes.

It is recommended that the owner of the subject property be informed that Lakeshore intends to de-designate the property, since all the heritage attributes have been removed.

Comments

Applicable Legislation

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS), 2024 prioritizes the long-term conservation of the Province's cultural heritage resources, including built heritage resources, as they provide economic and social benefits.

Section 4.6 of the PPS requires that:

- 1) Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.
- 2) Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.
- 3) Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.
- 4) Planning authorities are encouraged to develop and implement:
 - a. archaeological management plans for conserving archaeological resources; and
 - b. proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.
- 5) Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.

The Planning Act requires all planning decisions to be consistent with the PPS.

The Ontario Heritage Act

The Ontario Heritage Act gives municipalities the authority to protect heritage properties and archaeological sites through Part IV and V of the Act. The Act empowers Council to "designate" individual properties as being of "cultural heritage value or interest" if they meet at least two of the nine criteria of Ontario Regulation 9/06 for determining whether it is of cultural heritage value or interest.

Once a Council designates a property, it is recognized through a by-law and added to a "Register" maintained by the municipal clerk. The subject property is currently designated under Part IV of the *Ontario Heritage Act* through By-law 84-2007, however the existing conditions of the property have been altered since the designating by-law was approved. Therefore, it may be necessary to update the by-law to ensure that the list of heritage attributes reflects the current condition of the property.

Recent amendments to the *Ontario Heritage Act* provide an alternative process for applications related to buildings for religious purposes. Applications to alter a building or portion of a building used for religious purposes may be approved without conditions if the building, or a portion of the building, is primarily used for religious practice, if the alterations are connected to a religious practice, the alteration is required for religious practices, or the applicant provides an affidavit or sworn declaration confirming the application meets the conditions of the Act.

Ontario Heritage Toolkit

The Ministry of Citizenship and Multiculturalism (MCM) publication, “Designating Heritage Properties: A Guide to Municipal Designations of Individual Properties under the Ontario Heritage Act” (referred to as the Ontario Heritage Toolkit), includes guidance on the process of repealing a designation by-law. The Toolkit states that it is important for Council to understand the reasons a property owner wishes to repeal of the by-law which designates the property because the purpose of designation is to conserve and protect the heritage attributes of the property for future generations. If an application to repeal is rejected, the applicant cannot re-apply for 12 months.

Lakeshore Official Plan

Section 4.2.3.1 of the Official Plan addresses Cultural Heritage Resources and states:

- a) Town will encourage the preservation of significant built heritage resources and cultural heritage landscapes and may use the Ontario Heritage Act to do so.
- g) The Town will also maintain a list of properties worthy of designating under the Ontario Heritage Act and endeavour to have these properties designated. Signage will be erected to indicate that a property is a designated heritage property.
- h) The Town will encourage the preservation and enhancement of the unique cultural and heritage significance of the francophone community in Stoney Point/Point-Aux Roches.
- j) To ensure that heritage properties remain in their context, the relocation of heritage buildings or structures will be discouraged.

Section 4.2.3.5 of the Official Plan regarding Development Policies provides direction for the conservation and protection of cultural heritage resources whenever considering development or redevelopment that has the potential to impact those resources.

By-law 84-2007

The designating by-law for Stoney Point Church, By-law 84-2007, indicates that the church was constructed in 1905 and was the only church commission for Louis Caron Junior in Ontario. The church reflected the traditions of church building in Quebec with Romanesque revival style architectural features. The church included pressed tin accents along the roofline, a pipe organ installed in 1911, stained glass

windows, and other features identified as heritage attributes.

None of the heritage attributes remain on-site.

Heritage De-designation Process

Under Section 31 of the Ontario Heritage Act, the council of a municipality may initiate the process to pass a by-law to repeal the existing designation by-law for a designated property. This process is outlined in detail in the attached Heritage Report prepared by WSP and includes:

- The Municipality must notify the property owner and the Ontario Heritage Trust of the intention to repeal the designation by-law
- the notice must be posted publicly on the municipality's website and in a local newspaper.
- If no objection is received within 30 days, Council may proceed with the repeal.
- If an objection is submitted, Council must consider the objection within 90 days and may withdraw the notice of intention to repeal the by-law, or proceed.
- Once Council adopts the by-law to repeal the designation, notice must be provided to the property owner, the public and the Ontario Heritage Trust. If an appeal is submitted within 30 days, then an Ontario Land Tribunal appeal process will commence.

If the property owner chooses to initiate the de-designation process, the process is similar with the following differences:

- A pre-consultation meeting between the property owner and municipal staff is recommended to discuss the requirements for the application
- The property owner will need to submit document supporting their application such as the engineering structural report, scoped Heritage Impact Assessment and documentation of the removal of the heritage attributes, if available.
- A detailed rationale for the de-designation should be provided.
- A title search report should be provided.
- Photographic documentation of the property should be provided (in this case general photographs of the current condition of the property would be adequate)

The remainder of the process is similar to a municipally-initiated repeal of the designation by-law.

Conclusion

It is recommended that the designation by-law for the property at 7119 Tecumseh Road be repealed under the Ontario Heritage Act. The process for de-designating the property would be somewhat streamlined if initiated by the Municipality.

Municipal staff seek direction from Council to post the required notice for intent to repeal the designation by-law for the subject property and begin the de-designation process in accordance with the *Ontario Heritage Act*.

Financial Impacts

There are no budget implications related to the Recommendation. The costs associated with preparing the Technical Memo are covered under the Division Consulting Budget.

Attachments

Appendix A – WSP Technical Memorandum re: Heritage Planning Administrative Process for De-designating (now demolished) heritage property - Stoney Point Church (7119 Tecumseh Road), Municipality of Lakeshore, Ontario

Report Approval Details

Document Title:	Heritage Planning - Stoney Point Church (7119 Tecumseh Road).docx
Attachments:	
Final Approval Date:	Apr 24, 2025

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team